

ORIGINAL

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule

LSA Document #02-44(F)

DIGEST

Amends 170 IAC 4-1-26 concerning electrical line construction and variances. Effective 30 days after filing with the secretary of the state.

170 IAC 4-1-26

SECTION 1. 170 IAC 4-1-26 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-1-26 Line construction; variances

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2

Sec. 26. (a) In all cases not covered by specific statutes in effect, Part 2, "Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines", and Part 3, "Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines", of the ~~1997~~ **2002** edition of the National Electrical Safety Code as approved by the American National Standards Institute June 6, ~~1996~~, **14, 2001**, as ANSI Standard C2, are prescribed for overhead and underground construction practice commenced after the date of promulgation of this section.

(b) The commission incorporates by reference the 2002 National Electrical Safety Code. Copies of the 1997 edition of the National Electrical Safety Code are available for purchase may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, New Jersey 08855-1331 or are available for copying at the Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204.

(c) Any public utility wishing to depart from the National Electrical Safety Code:

(1) for the purpose of experimentation or the development of improved methods of construction;

(2) because it works an injustice or expense not justified by the protection secured or is shown to be impractical; or

(3) where equivalent or safer construction can be more readily provided in other ways;

may informally petition for authorization to construct, install, or use materials, equipment, or methods other than specified in this rule, directing such petition to the engineering department of the commission. The petition shall be accompanied by the consent of any other utility whose facilities will be directly affected by the proposed departure from this rule. The engineering department shall forthwith make an investigation and, if satisfied that such petition falls within one (1) or more of the three (3) categories set forth in this subsection and is justified from an engineering standpoint, shall so advise the commission. The petitioning utility and any consenting utility shall thereupon be notified, in writing, that the proposed departure from this rule has been authorized. (*Indiana Utility Regulatory Commission; No. 33629: Standards of Service For Electrical Utilities Rule 24; filed Mar 10, 1976, 9:10 a.m.; Rules and Regs. 1977, p. 356; filed Feb 28, 1986, 9:30 a.m.: 9 IR 1564; filed Oct 7, 1987, 12:30 p.m.: 11 IR 565; filed Oct 15, 1990, 3:28 p.m.: 14 IR 418; filed Jan 28, 1993, 9:00 a.m.: 16 IR 1510; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2325; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

INDIANA UTILITY REGULATORY COMMISSION

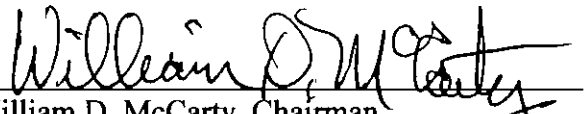
Approval of Adoption of Final Rule

170 IAC 4-1-26

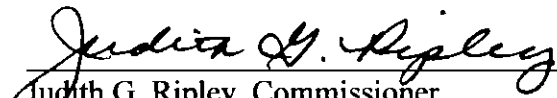
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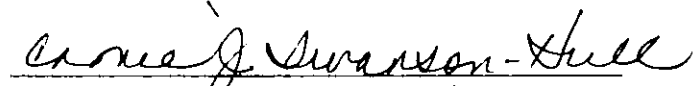
Upon prior publication of notice, and public hearing having been held on July 2, 2002, at 9:30 a.m. EST, as required by the provisions of I.C. 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission, on August 14, 2002, at 1:30 p.m. EST in Room E306, Indiana Government Center-South, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

The Secretary is hereby directed to submit five (5) copies of the aforesaid rule to the Attorney General of Indiana, for his approval of same, and thereafter file one (1) duplicate approved copy with the Secretary of State.


William D. McCarty, Chairman


David W. Hadley, Commissioner


Judith G. Ripley, Commissioner


Camie J. Swanson-Hull, Commissioner


David E. Ziegner, Commissioner

ATTEST:


Nancy Manley, Executive Secretary to the Commission

DATE: August 14, 2002

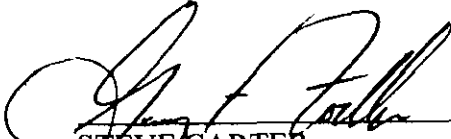
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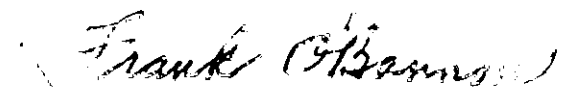
Approved as to legality,


today: 9-13-02


STEVE CARTER
Attorney General of Indiana

Approved,

today: 9/25/02


FRANK O'BANNON
Governor of Indiana

Filed, today: 9/27/02 2:33 PM 


SUE ANNE GILROY
Secretary of State